



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

ZACHARY FRANKLIN SMITH, §
Plaintiff, §
§
vs. § CIVIL ACTION NO. 0:07-1641-HFF-BM
§
DAVID BEASLEY, §
Governor of South Carolina; §
ERNEST F. HOLLINGS, Senator; §
MICHAEL MOORE, Director of SCDC; and §
LAURIE FRANCIS BESSINGER, Warden, §
Defendants. §

ZACHARY FRANKLIN SMITH, §
Plaintiff, §
§
vs. § CIVIL ACTION NO. 0:07-1642-HFF-BM
§
BILL CLINTON, §
President of the United States; §
DAVID BEASLEY, §
Governor of South Carolina; §
ERNEST F. HOLLINGS, Senator; §
STROM THURMOND, Senator; §
MICHAEL MOORE, Director of SCDC; and §
LAURIE FRANCIS BESSINGER, Warden, §
Defendants. §

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE AND DISMISSING THE CASES *WITHOUT PREJUDICE* AND
WITHOUT ISSUANCE AND SERVICE OF PROCESS

These cases were filed as 42 U.S.C. § 1983 actions. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that these cases be dismissed *without prejudice* and without issuance and service of process. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 3, 2007. Plaintiff failed to file any objections to the Report. In the absence of objections, the Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the records in these cases pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that these cases must be **DISMISSED** *without prejudice* and without issuance and service of process.

IT IS SO ORDERED.

Signed this 24th day of July, 2007, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.